

Exhibit 7

RES

1306

substance of the whole rule is that a matter once judicially decided is finally decided. *Allen v. McCurry*, 449 U.S. 90, 101 S.Ct. 411, 415, 66 L.Ed.2d 308. *See also* Collateral estoppel doctrine; Final decision rule; Issue preclusion.

Collateral estoppel compared. "Res judicata" bars relitigation of the same cause of action between the same parties where there is a prior judgment, whereas "collateral estoppel" bars relitigation of a particular issue or determinative fact. *Roper v. Mabry*, 15 Wash.App. 819, 551 P.2d 1381, 1384.

Estoppel and res judicata distinguished, *see* Estoppel.

Res litigiosæ /riyz lətiʒiʔowsay/. In Roman law, things which are in litigation; property or rights which constitute the subject-matter of a pending action.

Res mancipi /riyz mænsəpay/. *See* Mancipi res.

Res mobiles /riyz mɔwbəliyz/. In the civil law, movable things; things which may be transported from one place to another, without injury to their substance and form. Things corresponding with the chattels personal of the common law.

Res nova /riyz nówvə/. A new matter; a new case; a question not before decided.

Res nullius /riyz nəláyəs/. The property of nobody. A thing which has no owner, either because a former owner has finally abandoned it, or because it has never been appropriated by any person, or because (in the Roman law) it is not susceptible of private ownership.

Res perit domino /riyz péhriyət dómənow/. A phrase used to express that, when a thing is lost or destroyed, it is lost to the person who was the owner of it at the time.

Res privatae /riyz prəvétyi/. In the civil law, things the property of one or more individuals.

Res publicæ /riyz pábləsiy/. Things belonging to the public; public property; such as the sea, navigable rivers, highways, etc.

Res quotidianæ /riyz kwowtidíeyniy/. Every-day matters; familiar points or questions.

Res religiosæ /riyz rəliʒiʔowsiy/. Things pertaining to religion. In Roman law, especially, burial-places, which were regarded as sacred, and could not be the subjects of commerce.

Res universitatis /riyz yúwnəvərsətétys/. In the civil law, things belonging to a community (as, to a municipality), the use and enjoyment of which, according to their proper purpose, is free to every member of the community, but which cannot be appropriated to the exclusive use of any individual; such as the public buildings, streets, etc.

Res accedent lumina rebus /riyz əkséndənt l(y)úwmənə riybəs/. One thing throws light upon others.

Res accessoria sequitur rem principalem /riyz əksəsóri(y)ə sékwəter prinsəpéyləm/. The accessory follows the principal.

Resale. Exists where a person who has sold goods or other property to a purchaser sells them again to someone else. Sometimes a vendor reserves the right of reselling if the purchaser commits default in payment of the purchase money, and in some cases (*e.g.*, on a sale of perishable articles) the vendor may do so without having reserved the right. U.C.C. § 2-706 provides the conditions under which a seller has a right of resale on breach by the buyer of the sales contract.

Term may also refer to act of retailer who purchases goods from manufacturer or wholesaler for purpose of selling such goods in normal course of business. *See also* Retail; Retailer.

Resale price maintenance. An agreement between a manufacturer and retailer that the latter should not resell below a specified minimum price. Such schemes operate to prevent price competition between the various dealers handling a given manufacturer's product with the manufacturer generally suggesting an appropriate resale price and enforcing dealer acquiescence through some form of coercive sanction. *Donahue v. Pendleton Woolen Mills, Inc.*, D.C.N.Y., 633 F.Supp. 1423, 1428. Until 1976, federal statutes exempted such state-permitted agreements from antitrust actions. *See also* Vertical price-fixing contract.

Resceit /rəsiyt/. In old English practice, an admission or receiving a third person to plead his right in a cause formerly commenced between two others; as, in an action by tenant for life or years, he in the reversion might come in and pray to be received to defend the land, and to plead with the demandant.

Resceit of homage /rəsiyt əv (h)óməj/. In old English law, the lord's receiving homage of his tenant at his admission to the land.

Rescind. *See* Rescission of contract.

Rescissio /rəsish(iy)ow/. Lat. In the civil law, an annulling; avoiding, or making void; abrogation; rescission.

Rescission of contract. To abrogate, annul, avoid, or cancel a contract; particularly, nullifying a contract by the act of a party. The right of rescission is the right to cancel (rescind) a contract upon the occurrence of certain kinds of default by the other contracting party. To declare a contract void in its inception and to put an end to it as though it never were. *Russell v. Stephens*, 191 Wash. 314, 71 P.2d 30, 31. A "rescission" amounts to the unmaking of a contract, or an undoing of it from the beginning, and not merely a termination, and it may be effected by mutual agreement of parties, or by one of the parties declaring rescission of contract without consent of other if a legally sufficient ground therefor exists, or by applying to courts for a decree of rescission. *Abdallah, Inc. v. Martin*, 242 Minn. 416, 65 N.W.2d 641, 644. It necessarily involves a repudiation of the contract and a refusal of the moving party to be further bound by it. Nonetheless, not every default in a contract will give rise to a right of rescission. *See also* Cancellation; Renunciation; Repudiation; Revocation; Termination.

An action of an equitable nature in which a party seeks to be relieved of his obligations under a contract on the grounds of mutual mistake, fraud, impossibility, etc.

Rescissory damages. See Damages.

Rescous /réskyuw/. Rescue. The taking back by force goods which had been taken under a distress, or the violently taking away a man who is under arrest, and setting him at liberty, or otherwise procuring his escape, are both so denominated. This was also the name of a writ which lay in cases of rescue.

Rescript /riyskript/. A written order from the court to the clerk, giving directions concerning the further disposition of a case. The written statement by an appellate court of its decision in a case, with the reasons therefor, sent down to the trial court. A short appellate opinion which does not bear the name of any justice.

At common law, a counterpart, duplicate, or copy.

In the civil law, a species of imperial constitutions, being the answers of the prince in individual cases, chiefly given in response to inquiries by parties in relation to litigated suits, or to inquiries by the judges, and which became rules for future litigated or doubtful legal questions.

In canon law, a term including any form of apostolical letter emanating from the Pope. The answer of the Pope in writing.

Rescriptum /raskríptəm/. Lat. In the civil law, a species of imperial constitution, in the form of an answer to some application or petition; a rescript.

Rescue. Act of saving or freeing. At common law, forcibly and knowingly freeing another from arrest, imprisonment or legal custody without any effort by prisoner to free himself. *Merrill v. State*, 42 Ariz. 341, 26 P.2d 110. The unlawfully or forcibly taking back goods which have been taken under a distress for rent, damage feasant, etc. See also Repossession.

In admiralty and maritime law, the deliverance of property taken as prize, out of the hands of the captors, either when the captured party retake it by their own efforts, or when, pending the pursuit or struggle, the party about to be overpowered receive reinforcements, and so escape capture.

Rescue doctrine. Under this doctrine, one who has, through his negligence, endangered safety of another may be held liable for injuries sustained by third person who attempts to save other from injury. *National Dairy Products Corp. v. Freschi*, Mo.App., 393 S.W.2d 48, 57. Danger invites rescue.

"Rescue", "humanitarian" or "good samaritan" doctrine is that one who sees a person in imminent and serious peril through negligence of another cannot be charged with contributory negligence, as a matter of law, in risking his own life or serious injury in attempting to effect a rescue, provided the attempt is not recklessly or rashly made. *Jobst v. Butler Well Servicing, Inc.*, 190 Kan. 86, 372 P.2d 55, 59. See also Humanitarian doctrine.

Rescyt /rəsiyt/. L. Fr. Resceit; receipt; the receiving or harboring a felon, after the commission of a crime.

Res denominatur a principali parte /riyz dənòmənáytar èy prinsépéylay pártiy/. The thing is named from its principal part.

Resealing writ. In English law, the second sealing of a writ by a master so as to continue it, or to cure it of an irregularity.

Reservation. A clause in a deed or other instrument of conveyance by which the grantor creates, and reserves to himself, some right, interest, or profit in the estate granted, which had no previous existence as such, but is first called into being by the instrument reserving it; such as rent, or an easement. Reservation occurs where granting clause of the deed operates to exclude a portion of that which would otherwise pass to the grantee by the description in the deed and "reserves" that portion unto the grantor. *Board of County Com'rs of Weld County v. Anderson*, 34 Colo.App. 37, 525 P.2d 478, 482.

A right created and retained by a grantor. The reservation may be temporary (such as a life estate) or permanent (such as an easement running with the land).

The reservation of a point of law is the act of the trial court in setting it aside for future consideration, allowing the trial to proceed meanwhile as if the question had been settled one way, but subject to alteration of the judgment in case the court *in banc* should decide it differently.

For exception and reservation distinguished, see and compare Exception.

A reservation is a tract of land, more or less considerable in extent, which is by public authority withdrawn from sale or settlement, and appropriated to specific public uses; such as parks, military posts, Indian lands, etc. A tract of land (under control of the Bureau of Indian Affairs) to which an American Indian tribe retains its original title to ownership or which has been set aside for its use out of the public domain.

Reservation of claim. A draft or demand presented under a letter of credit is non-complying if there is an explicit reservation of claim. U.C.C. § 5-110.

Reservatio non debet esse de proficuis ipsis, quia ea conceduntur, sed de redditu novo extra proficua /rèzərvéysh(iy)ow nòn débət ésiy diy prəfikyuwəs ípsəs, kwáyə iyə kònsədántər sèd diy rédat(y)uw nóvwow ékstrə prəfikyuwə/. A reservation ought not to be of the profits themselves, because they are granted, but from the new rent, apart from the profits.

Reserve, v. To keep back, to retain, to keep in store for future or special use, and to retain or hold over to a future time. *Commissioner of Internal Revenue v. Strong Mfg. Co.*, C.C.A.6, 124 F.2d 360, 363. To set aside funds, usually for indefinite contingencies, such as future maintenance of a structure, or to pay future claims.

Reserve, n. Funds set aside to cover future expenses, losses, claims, or liabilities. Sums of money an insurer is required to set aside as a fund for the liquidation of future unaccrued and contingent claims, and claims